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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,332	10/06/2000	Charles A. Hudson	52493.000059	9111

7590 06/12/2003

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/680,332

Applicant(s)

HUDSON ET AL.

Examiner

Chuck O Kendall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This action is in response to the application filed 10/06/00.
2. Claims 1-30 have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, Applicant repeats limitations analyzing the at least one enhancement to ensure conformity with the production software system, migrating the at least one enhancement to the production software system; and notifying at least one entity of the migration of the at least one enhancement to the production software system. Examiner deems the repetition of the limitations as vague and indefinitely because Examiner does not see any reason to repeat the limitations.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 5 -7,9-18,20-22, & 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hossain et al. USPN 5,581,749 hereinafter Hossain.

Regarding claim 1, a process for managing a migration of one or more enhancements of a production software system, where the production software system comprises a plurality of program modules, the process comprising the steps of receiving at least one enhancement from the developer;

receiving approval of the at least one enhancement from a quality assurance module (14:5-11, see verify utility and update module);

analyzing the at least one enhancement to ensure conformity with the model software system (14:5-11, see verify utility and error status) ;

migrating the at least one enhancement to the model software system, where the model software system comprises an equivalent of the production software system (13:15-20, see distribute module for migrating);

analyzing the migration of the at least one enhancement to the model software system (13:10-12, for analyze see audit);

notifying at least one entity of the migration of the at least one enhancement to the production software system(14:16-19, see notifying about update(enhancement));

analyzing the at least one enhancement to ensure conformity with the production software system (14:13, for analyze see verify);

migrating the at least one enhancement to the production software system(13:15-20, see distribute module for migrating);

; and

notifying at least one entity of the migration of the at least one enhancement to the production software system (14:16-19, see notifying about update(enhancement));.

Regarding claim 2 the process according to claim 1, wherein the enhancement is one of a new program module or a modified program module(13:55-65, see update and new key value).

Regarding claim 3 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model software system further comprises

reviewing a request for service record associated with the at least one enhancement (14:5-11, see verify utility and error status).

Regarding claim 5 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model software system further comprises reviewing instructions for migrating the at least one enhancement into the model software system (21:37).

Regarding claim 11 the process according to claim 1, wherein the at least one entity comprises one of

- a) the quality assurance module(14:5-11, see verify utility and update module); ;
- b) the developer (21:37, see administrator); and
- c) an end user of the production software system (fig 8, 814).

Regarding claim 6 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the model software system further comprises determining a distribution of the at least one enhancement for migration (18:40-65).

Regarding claim 7 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the production software system further comprises reviewing a request for services record associated with the at least one Enhancement (21:37).

Regarding claim 9 the process according to claim 1, wherein the step of analyzing the at least one enhancement to ensure conformity with the production software system further comprises reviewing instructions migrating the at least one enhancement into the production software system (21:37).

Regarding claim 10 see claim 6 for reasoning.

Regarding claim 12 the process according to claim 1, further comprising the step of resolving conflicts between the at least one enhancement and the model software system (20:55-65, see error management).

Regarding claim 13 the process according to claim 1, further comprising the step of resolving conflicts between the at least one enhancement and in the production software system (20:55-65, see error management).

Regarding claim 14 see reasoning in claim 5.

Regarding claim 15 see reasoning in claim 5.

Regarding claim 16 see reasoning in claim 1.

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Regarding claim 17 see reasoning in claim 2.
Regarding claim 18 see reasoning in claim 3.
Regarding claim 20 see reasoning in claim 5.
Regarding claim 21 see reasoning in claim 6.
Regarding claim 22 see reasoning in claim 7.
Regarding claim 24 see reasoning in claim 9.
Regarding claim 25 see reasoning in claim 6.
Regarding claim 26 see reasoning in claim 11.
Regarding claim 27 see reasoning in claim 12.
Regarding claim 28 see reasoning in claim 13.
Regarding claim 29 see reasoning in claim 14.
Regarding claim 30 see reasoning in claim 15.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,8,19,& 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hossain et al. USPN 5,581,749 hereinafter Hossain in view of May et al. USPN 5,999,741.

Regarding claims 4, & 8 Hossain discloses all the claimed limitations as applied in claim 1 above. Hossain doesn't explicitly disclose a schedule for migrating the at least one enhancement into the model software system. However, May does disclose this limitation (1:65-67, MIS managers). Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Hossain with May because, scheduling during updating or software enhancing makes applying enhancements to a system more time efficient and less conflicting.

Regarding claims 19, & 23 see reasoning in claim 4.

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Correspondence Information

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Greg Morse* can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

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